

REMARKS

In the present Amendment, claims 1, 3 and 5 have been amended to recite that the toner includes resin comprising a block polyester and an amorphous polyester. Section 112 support for this amendment can be found, for example, at page 27, lines 6-9 of the specification. New claims 7, 8, and 9 have been added. These claims are directed to image forming systems and correspond to claims 1, 3 and 5, respectively. The specification has been amended to capitalize the trademark Bontron E-84.

No new matter has been added. Entry of this Amendment is respectfully requested. Upon entry of the Amendment, claims 1-9 will be pending.

In Paragraph No. 2 of the Action, the Examiner notes the use of the trademark BONTRON E-84 on page 127 of the application. The Examiner indicates that it should be capitalized wherever it appears. This objection has been overcome by the amendment to the specification.

In Paragraph No. 3 of the Action, claims 1-6 are rejected under 35 U.S.C. § 102(b) as allegedly being anticipated by Yusa et al. (6,300,024).

Applicants note that claims 1, 3 and 5 have been amended to recite that the toner includes a resin comprising both a block polyester and an amorphous polyester. Applicants submit that Yusa does not teach or suggest a binder resin comprising both a block polyester and an amorphous polyester. Accordingly, claims 1, 3 and 5 are novel and nonobvious over Yusa.

Amendment Under 37 C.F.R. § 1.111
U.S. Appln. No. 10/787,394


In Paragraph No. 5 of the Action, claims 1-6 are provisionally rejected on the ground of non-statutory (i.e., obviousness-type) double patenting over claims 1-4 of copending Application No. 10/787,389.

Since this rejection is provisional, Applicants choose to defer responding to this rejection until the time at which either application issues as a patent. See MPEP §804(I)(B).

Allowance is respectfully requested. If any points remain in issue which the Examiner feels may be best resolved through a personal or telephone interview, the Examiner is kindly requested to contact the undersigned at the telephone number listed below.

The USPTO is directed and authorized to charge all required fees, except for the Issue Fee and the Publication Fee, to Deposit Account No. 19-4880. Please also credit any overpayments to said Deposit Account.

Respectfully submitted,



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